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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SIERRA CLUB and WILDEARTH
GUARDIANS,

Plaintiffs,

v.

LISA JACKSON, in her official capacity as
Administrator of the United States
Environmental Protection Agency,

Defendant.

Case No. 3:10-cv-04060-CRB

**STIPULATION TO CONTINUE
INITIAL CASE MANAGEMENT
DEADLINES BY 60 DAYS**

AND

[PROPOSED] ORDER THEREON

WHEREAS, on September 9, 2010, Plaintiffs Sierra Club and Wildearth Guardians filed the complaint in the above-captioned matter against Defendant Lisa P. Jackson, in her official capacity as Administrator of the United States Environmental Protection Agency (“EPA”), alleging that EPA failed to fulfill certain non-discretionary duties under the Clean Air Act, 42

U.S.C. §§ 7401-7671q, and that such alleged failure is actionable under section 304(a)(2) of the Act, 42 U.S.C. § 7604(a)(2);

WHEREAS, Plaintiffs and EPA seek to resolve this case through private settlement, thereby reducing litigation expenses and preserving the Court's resources, and are currently engaged in settlement discussions;

WHEREAS, any final settlement of this case must be approved by authorized officials at the United States Department of Justice and EPA, a process that can take several weeks;

WHEREAS, at least 30 days before any final settlement of this matter can be entered, EPA must provide notice of such settlement in the Federal Register and an opportunity for public comment pursuant to section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g);

WHEREAS, no previous requests for extensions of time or continuances have been filed in this case, and the parties believe that the requested 60-day continuances below will not adversely affect the schedule of this case;

NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through their undersigned counsel, hereby stipulate to entry of an order that:

1. Continues the parties' deadline to file a Rule 26(f) Report and Joint Case Management Statement to March 11, 2011;
2. Continues the initial case management conference to March 18, 2011 at 8:30am or a date and time thereafter set by the Court.

COUNSEL FOR PLAINTIFFS:

Dated: December 16, 2010

/s/ Kimberly A. Sturm (with permission)
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COUNSEL FOR DEFENDANT:

Dated: December 16, 2010

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/s/ Michelle R. Lambert
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: Dec. 17, 2010

